

Customer No. 27061
Confirmation No. 4205

Patent
Attorney Docket No. GEMS8081.045

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Gupta et al.
Serial No. : 09/748,520
Filed : December 22, 2000
For : METHOD AND APPARATUS FOR DISPLAYING
REAL-TIME STATUS OF PRODUCT AVAILABILITY,
ORDERS, AND SALES REVENUE
Group Art No. : 2171
Examiner : Le, U.

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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SUPPLEMENTAL REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER
MAILED AUGUST 1, 2008

Dear Sir:

This Reply Brief is being filed in response to the Examiner's Answer mailed February 23, 2009.

SUPPLEMENTAL REPLY BRIEF

Claims 1-35 stand rejected in the present application. Claims 1-7 and 22-25 stand rejected under 35 U.S.C. 102(e) as being anticipated by Christensen et al. (US 2002/0156694). Claims 8-21 and 26-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen et al. in view of Parad (USP 5,369,570).

In the Examiner's Answer mailed August 1, 2008, the Examiner maintained the rejection of claims 1-7 and 22-25 under 35 U.S.C. 102(e) as being anticipated by Christensen et al. (US 2002/0156694) and the rejection of claims 8-21 and 26-35 under 35 U.S.C. 103(a) as being unpatentable over Christensen et al. in view of Parad (USP 5,369,570). Appellant submitted a Reply Brief on October 1, 2008, that addressed those arguments that had been set forth by the Examiner in the Examiner's Answer.

The Examiner has now prepared a corrected Examiner's Answer that was mailed to Appellant on February 23, 2009. While the Examiner's Answer has been revised to correct item "(8) Evidence Relied Upon," the content of the Answer is identical to the Examiner's Answer that was issued on August 1, 2008. As such, Appellant believes that the Reply Brief filed on October 1, 2008 addresses the assertions of the Examiner set forth in the corrected Examiner's Answer of February 23, 2009. In the Reply Brief of October 1, 2008, Appellant set forth arguments in response to statements made by the Examiner in the most recent Examiner's Answer. Therefore, Appellant believes that no further remarks are necessary.

In view of the remarks contained in the Appeal Brief of January 30, 2006 and the Reply Brief of October 1, 2008, Appellant respectfully submits that the §1.131 Declaration and supporting Exhibit filed on December 31, 2003, convincingly show that the current invention antedates the Christensen reference. As such, Appellant respectfully submits that the Examiner has provided no supportable position that claims

1-35 are not patentable. There being no remaining rejections, Appellant respectfully requests that the Board direct passage of the present Application to issuance.

Respectfully submitted,

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Dated: April 23, 2009
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